

**FINAL REPORT
OF THE
RAIL CORRIDOR SAFETY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November, 1999

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1999

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A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

I. STATUTORY DIRECTIVE

P.L. 335-1995 charges the Rail Corridor Safety Committee to do the following:

1. Study the safety of rail corridors, including corridors at overpasses, underpasses, and crossings;
2. Review rail safety records;
3. Study methods of encouraging cooperation among railroads, local government, state government, and federal government to enhance the safety of railroads;
4. Study other topics as assigned by the Legislative Council.

II. INTRODUCTION AND REASONS FOR STUDY

Because Indiana had been one of the leaders in rail grade crossing accidents and fatalities in the nation, the 1995 General Assembly created the Rail Corridor Safety Committee to study and review various aspects of rail corridor safety. This report will cover the five year history of the Committee, beginning in 1995 and ending October 29, 1999.

III. SUMMARY OF WORK PROGRAM

1995 Committee Activity

The Committee met four times during the interim following the conclusion of the 1995 Session of the General Assembly. All four meetings were held at the State House in Indianapolis.

The first meeting of the Committee was held on August 8, 1995. This meeting was devoted to the charge of the Committee and why the Committee was created. The Committee heard testimony concerning the number of rail grade crossing accidents in Indiana from various sources. The Committee also heard testimony on what other states are attempting to address rail grade crossing accidents. Representatives from both the railroads and the Indiana Department of Transportation (INDOT) addressed the Committee concerning rail safety. The Committee also received testimony from representatives of Short Line Railroads.

At the second meeting, held on September 19, 1995, INDOT addressed the Committee on how they determine the funding priorities of rail grade crossing projects. The Committee also heard from the INDOT and the Federal Highway Administration (FHWA) on funding for rail grade crossing projects. The Committee reviewed rail corridors in the state. The Committee also received information on reflective materials used at some rail grade crossings.

At the third meeting, held on October 17, 1995, the Committee heard testimony on the funding for rail safety improvement from the INDOT. Representatives from the Federal Railroad Administration (FRA) testified concerning rail grade crossing safety and the Committee heard about Minnesota's signing and pavement marking program.

At the fourth meeting, held on November 14, 1995, railroad representatives discussed state and federal funds used for rail grade crossing safety. The Committee also reviewed proposed legislation concerning rail grade crossing safety and school bus safety.

1996 Committee Activity

The Committee met four times during the interim following the conclusion of the 1996 Session of the General Assembly. Two meetings were held at the State House in Indianapolis. One meeting was held at the Gary Regional Airport and one meeting was held at the Horizon Convention Center in Muncie.

At the first meeting, held on July 18, 1996, the Committee discussed its charge and P.L. 81-1996, which changes the process of opening and closing rail crossings. The Committee discussed the issue of increasing civil penalties for driving around a lowered crossing arm. The railroad industry reported on the repair and maintenance of train-activated signals. The INDOT told the Committee about the implementation of P.L. 81-1996. The Committee looked into the cause of delays in completing rail crossing projects at the INDOT. Transportation union representatives addressed the Committee on grade crossing safety and the Committee reviewed the Organizational Chart of the INDOT.

At the second meeting, held on August 22, 1996, at the Gary Regional Airport, the INDOT testified on their proposed budget request for \$500,000 for the 1997-99 biennium for rail grade crossing improvements. Indiana Port Commission officials reported their concerns about problems with access to Indiana's International Port at Portage. The Committee was notified that the INDOT will submit an application to the FHWA and the FRA for \$7.2 million for construction of a grade crossing at Wilson Road. The Committee voted 5-0 to pass a resolution in support of INDOT's application for federal funds to be included with the application. The cost of installing underpasses and overpasses also was discussed. The Committee was made aware of the reason for the high number of rail accidents in Gibson County. The INDOT discussed a proposal for a more flexible federal surface transportation program. Short Line railroads addressed the Committee concerning their need for additional funding. The FHWA addressed the Committee concerning the expiration of funding from the Intermodal Surface Transportation Efficiency Act (ISTEA) and that future federal funding is expected to be even more flexible than ISTEA. Testimony was provided on Ohio's educational and enforcement programs for improving rail crossing safety. Railroad representatives addressed the Committee concerning what Ohio, Michigan, and Illinois commit to funding for rail crossing improvements. The Committee also received Preliminary Draft 3051 which was to be discussed at the next Committee meeting.

At the third meeting, held on September 16, 1996, at the Horizon Convention Center in Muncie, the Committee lacked a quorum at this meeting. Operation Lifesaver representatives addressed the Committee concerning the activities of the organization. Representatives from the Governor's Council on Impaired and Dangerous Driving addressed the Committee. The Northern Indiana Regional Planning Council (NIRPC) told the Committee of its activities related to rail crossing safety. The INDOT provided the Committee with data on the number of passive (no gates) crossings in the state and the amount of money they spend annually on rail grade crossing projects. The Committee also heard testimony from the railroads concerning upgrades that were made on certain rail corridors in the state. The Committee discussed Preliminary Draft 3164 which addressed rail crossing safety.

At the fourth meeting, held on October 15, 1996, in Indianapolis lacked a quorum. The Committee reviewed and discussed the bill drafts and heard testimony from interested parties on the bill drafts.

1997 Committee Activity

The Committee met once during the 1997 interim following the conclusion of the 1997 Session of the General Assembly. The meeting was held at the State House in Indianapolis.

At the October 22, 1997 meeting, the Committee addressed the agenda items as listed. The Committee heard testimony on the Grade Crossing Improvement Fund from the INDOT. Representatives of Federal Railroad Administration suggested that the INDOT look at the top 100 railroad crossings to get some idea of where to allocate resources. The INDOT provided railroad accident statistics for 1996, and an update on the Clark Road crossing in Gary. In

addition, the INDOT discussed the reorganization of railroad responsibilities within the department.

1998 Committee Activity

The Committee held four meetings during the interim following the conclusion of the 1998 Session of the General Assembly. All four meetings were held at the State House in Indianapolis.

At first meeting, held on August 13, 1998, the Committee discussed its charge contained in P.L. 335-1995. The Committee also received testimony from the railroad industry on the upgrade of crossings in northern Indiana. The Committee also received testimony concerning a report from the National Transportation Safety Board (NTSB) on grade crossings and a summary of the Transportation Equity Act for the 21st. Century (TEA 21). The Northern Indiana Transportation Commuter District (NICTD) discussed the June 18, 1998 truck-train accident in Portage. The Committee also received testimony from the Federal Railroad Administration (FRA) concerning the accident.

The INDOT reported on the Clark Road crossing in Gary and the Grade Crossing Improvement Fund. Also, the INDOT told the Committee that none of the \$250,000 appropriation for fiscal year 1997-98 for rail grade crossing improvements had been spent as yet. The Committee received an update from the INDOT concerning the priority list of railroad crossings that are being repaired and the crossings that are selected for repair. The Committee discussed the allocation of federal funds to Indiana from TEA 21. FHWA representatives told the Committee that while Indiana's highway funds increased by \$617 million under TEA 21, the amount of funds dedicated to rail crossing safety remained unchanged, at approximately \$4.9 million per year. The Committee discussed funding needs of short line railroads. In addition, the Committee received testimony from representatives of short line railroads. The Committee was informed by the INDOT that their rules establishing criteria for the opening and closing of rail crossings pursuant to P.L. 81-1996 have been adopted.

At the second meeting, held on September 9, 1998, the Committee lacked a quorum. The Committee received an update from the INDOT on the money spent from the Rail Grade Crossing Improvement Fund. The Committee also received a report concerning the Local Freight Rail Assistance Program. A representative from Senator Lugar's office told the Committee that Indiana has received about \$638,000 from the program. The Committee was told by representatives of short line railroads that two short line railroads have received these funds. The Committee received information concerning the Railroad Rehabilitation and Improvement Financing Program (RRIF), which was created by TEA 21. This program provides federal assistance in the form of direct loan guarantees for eligible railroad projects for private railroads. The Committee viewed a videotape concerning the use of reflectorized tape on crossbucks in Idaho, Virginia, and Ohio. The Committee received testimony from interested parties concerning a proposed amendment that would adjust the Sales tax distribution to the Industrial Rail Service Fund. In addition, the Committee also received testimony from representatives of short line railroads on proposed legislation which would expand the use of the Industrial Rail Service Fund. The FRA addressed the Committee on the meeting of various federal agencies concerning the solution to the Portage railroad crossing and the Wilson Road crossing.

At the third meeting, held on October 13, 1998, the Committee heard testimony from the INDOT on TEA 21 and its impact on the State of Indiana. Testimony was also received from representatives of short line railroads. The Committee discussed proposed legislation which would change the distribution of Sales and Use tax, reducing the percentage of the tax dedicated to the Public Mass Transportation Fund (PMTF) and increasing the percentage of the tax dedicated to the Industrial Rail Service Fund (IRSF). Many interested parties spoke in

opposition to this proposed legislation. The INDOT also addressed the Committee on crossing light devices and the Rail Grade Crossing Fund.

At the fourth meeting, held on November 16, 1998, the Committee heard testimony from the INDOT concerning the Transportation Improvement Plan (TIP) of the Northwestern Indiana Regional Planning Commission (NIRPC). Short line railroads addressed the Committee on their funding request. The INDOT discussed the issue of maintenance costs of railroad crossings. Railroad companies addressed the Committee on the topic of maintenance costs of railroad crossings. The Committee received a report on the Rail Grade Crossing Fund from the INDOT. The Committee also heard testimony on the use of reflectorized tape. The bridge situation at the Indiana Port Commission also was discussed by the Committee.

1999 Committee Activity

The Committee held three meetings during the interim following the conclusion of the 1999 Session of the General Assembly. Two meetings were held at the State House in Indianapolis and one meeting was held at the Indiana Port Commission in Portage.

At the first meeting, held on August 6, 1999, the Committee reviewed its charge. The Committee also heard testimony from interested parties concerning the June, 1998 grade crossing accident in Portage. The Committee also reviewed the Executive Summary of the National Transportation Safety Board (NTSB) report on the June, 1998, accident in Portage. The INDOT distributed an update on the Rail Grade Crossing Fund. The Committee received a report on the number of rail grade crossings that were improved during the last year. High speed rail crossings also were discussed.

At the second meeting, held on October 12, 1999, at the Port Commission offices in Portage, the Committee lacked a quorum, but reviewed rail crossings, both for normal rail traffic and for high speed rail traffic. In addition, interested parties addressed the Committee on the upcoming high speed rail conference scheduled for November. The Committee received an update on the Rail Grade Crossing Improvement Fund from the INDOT. The FRA told the Committee of the state of Wisconsin's use of reflective tape on the front and back of all cross bucks. The Committee also took a tour of rail grade crossings and the Port Commission Bridge over U.S. 12. The Committee also heard testimony from interested parties (FRA, NICTD, INDOT, truck drivers, and steel company representatives) on possible solutions to the problem of the Midwest Steel Co. crossing, the site of the June, 1998 grade crossing accident involving a truck hauling steel and a South Shore train. The Committee also discussed proposed legislation which would extend the Rail Corridor Safety Committee for five additional years. The Committee is scheduled to terminate November 1, 1999. The Committee requested from the INDOT the costs associated with upgrading the current Port Commission bridge and the cost of a new bridge at Ogden Dunes.

At the third meeting, held on October 29, 1999, the Committee discussed PD 3106 which would extend the life of the Committee to November 1, 2005. The Committee also reviewed a draft letter to be sent to the Indiana Congressional delegation, requesting their assistance in attempting to change the rules for use of federal funds at private railroad crossings. The Committee made several suggestions regarding the contents of the letter. The Committee briefly discussed the Alternative Alignment Report National Steel Co. This report was done by the American Consulting Engineers (ACE). The INDOT provided the Committee with their cost estimates for two of the alternates listed in the ACE report. The Committee discussed possibility of using Build Indiana Fund (BIF) for the Midwest Steel crossing project. The Committee also discussed a problem at a crossing in Hobart. The Committee voted unanimously to adopt the final report.

IV. SUMMARY OF TESTIMONY

The summary will cover the Committee activity since its inception in 1995 through October 29, 1999.

1995 Committee Activity

A. FIRST MEETING (August 8, 1995):

The Committee reviewed its charge.

1. Rail grade crossing accidents in Indiana

The Committee heard from Mr. Steve Hull of the INODT told the Committee that there were 273 rail grade crossing accidents in 1994. He said that Indiana is third in the nation in the number of rail grade crossing accidents.

2. What other States are doing to combat rail grade crossing accidents

The Commission heard testimony from Mr. Lane Ralph of Senators Lugar and Coates' office. Mr. Ralph told the Committee that he would supply the Committee with study performed on the State of Virginia and the use of the Ohio Crossbuck. CSX Railroad representative Lindsay Leckie told the Committee that while railroads might be interested in the Ohio Crossbuck, it must first be approved as a uniform traffic device before it can be used. Mr. Mike Rogers of Norfolk Southern Railroad told the Committee of a two year test performed by the state of Ohio on the use of the Ohio Crossbuck and a similar crossbuck. Mr. Rogers said that the study was funded by the FHWA. Mr. Arthur Fendrick, Regional Administrator of the FHWA told the Committee that he is not familiar with the funding in Ohio. Witnesses explained the various federal funding available for use on rail grade crossings. Don Graefenhain of the 3M Company told the Committee of the Minnesota project whereby the state replaced its railroad markings using federal funds.

2. Rail Grade Crossing Fund and the Industrial Rail Service Fund.

Mr. Matt Brooks of the INDOT addressed the Committee concerning the Rail Grade Crossing Improvement Fund and the Industrial Rail Service Fund.

3. Short Line Railroads

Ms. Cathy Hale representing short line railroads told the Committee that short line railroads do not have the money to pay for maintenance costs. She said that the Madison Railroad has created 750 jobs in its area.

B. SECOND MEETING (September 19, 1995):

1. Funding Priorities for the INDOT for Crossing Projects

Mr. Steve Hull of the INDOT told the Committee that the INDOT examines rail crossing projects on a statewide basis. He said that the INDOT uses an accident prediction formula, an accident history of the crossing, a cost effectiveness study, and an on-site diagnostic review to determine funding priorities.

2. Rail Grade Crossing Fund

Ms. Deborah Simmons Wilson of the INDOT told the Committee that the Rail Grade Crossing Fund could not fund surface work at rail crossings because the statute does not allow for such use.

3. Intermodal Surface Transportation Efficiency Act (ISTEA) Funds

Mr. Arthur Fendrick of the FHWA told the Committee that a great deal of the ISTEA funds can be used for rail crossings.

4. Rail Corridors in the State

The Committee requested information/data from the INDOT on rail corridors in the state.

5. Ohio Crossbucks

Mr. Don Graefenhain of the 3M Corporation told the Committee that it has not been proven that the Ohio Crossbuck is a rail grade crossing improvement.

C. THIRD MEETING (October 17, 1995):

1. Funding for Rail Safety Improvement

The Committee heard testimony from Mr. Richard Whitney, Director of the Division of Policy and Budget of the INDOT, concerning the funding of rail safety improvement. He said that the primary source of funding for rail projects are Rail Safety Funds. Ms. Charlotte Adams of the Governor's Council on Impaired and Dangerous Driving told the Committee of the Council's purpose and provided information on the use of federal funds for rail grade crossing safety.

Mr. Ken Lanman of the FRA informed the Committee that the FRA, the FHWA, the Federal Transit Administration (FTA), and the National Highway Traffic Safety Administration (NHTSA) released an Action Plan in June, 1994 (a copy of the report was provided to the Committee) on the plans and spending for rail grade crossing safety.

2. Minnesota's Signing and Pavement Program

The Committee heard from Mr. Don Graefenhain of the 3M Company. The program, to date, has cost the State of Minnesota \$ 12.5 million and completed work on 4,634 crossings. He said that when the program is completed in 1996, 5,059 crossings will be completed at an estimated cost of \$13.6 million.

D. FOURTH MEETING (November 14, 1995):

1. Rail Crossing Project Costs

Mr. Steve Hull of the INDOT said that over the past six years, the INDOT has spent \$56 million on state and local jurisdiction roadways. Of this figure, 10% consists of state matching funds and 90% consisted of federal funds. He said that \$5 million annually is appropriated for Rail Safety Funds. Mr. Mike Scime of Conrail told the Committee that if the state contributed more money for rail safety, the INDOT would have more flexibility for rail grade crossing projects.

2. Proposed Legislation

Mr. Cliff DeLacroix of Norfolk Southern Railroad commented on Preliminary Draft 3044 which would make Indiana's law concerning passive signage conform with the Manual on Uniform Traffic Control Devices (MUTCD). The Committee did not vote on any legislation.

3. Closing a Railroad Crossing

The Committee heard testimony from Mr. Dennis Maloy of the Indiana Association of Cities and Towns (IACT) and on the subject of closure of a crossing. The Committee also heard from Mr. Nick Pasyanos of the Association of Indiana Counties (AIC) and Mr. Matt Brooks of the INDOT on the same subject.

4. School Bus Safety

The Committee received testimony from Mr. Steve Hull on school bus safety at dangerous rail crossings. In addition, the Committee received testimony from Mr. Lane Ralph of office of Senators Lugar and Coates on the subject of school bus safety and dangerous rail crossings.

1996 Committee Activity

A. FIRST MEETING (July 18, 1996):

1. Increasing Civil Penalties for Driving Around a Lowered Crossing Arm

The Committee reviewed its charge. The Committee also briefly discussed the possibility of increasing civil penalties for driving around a lowered crossing arm.

2. P.L. 81-1996 changes the process of opening and closing rail crossings.

Mr. Matt Brooks of the INDOT told the Committee of the INDOT's progress in adopting the rules containing the criteria for the opening and closure of crossings as required by P.L. 81-1996.

3. Repair and Maintenance of Train Activated Signals

The Committee was told by Mr. Lindsay Leckie of the CSX corporation, that the railroad industry is responsible for the repair and maintenance of train activated signals.

4. Rail Grade Crossing Project Delays

Mr. Matt Brooks of the INDOT told the Committee that once a railroad is given a permit from the INDOT to upgrade a crossing, there is often a delay of up to one year before work can progress. Mr. Steve Hull of the INDOT told the Committee that the INDOT had not completed rail crossing improvement projects selected in 1994 because they did not have sufficient funds.

5. Rail Crossing Safety

Mr. James Carrico of the United Transportation Union made the following points concerning rail crossing safety:

- A) Place stop signs at every railroad grade crossing possible.
- B) Create additional penalties for driving around a crossing arm, and use the penalties to pay for signage.
- C) Create a tax deduction for contributing to a rail grade crossing program.

Mr. Nick Pasyanos of the AIC indicated that county governments approve of the idea of extra stop signs, but are concerned with their liability for maintaining the signs.

6. INDOT Organization Chart

Mr. Matt Brooks of the INDOT presented an INDOT Organization Chart for the Committee to review. The Committee discussed who was responsible for in the INDOT for preparing the budget for rail projects and requesting money from the Rail Grade Crossing Fund.

B. SECOND MEETING (August 22, 1996):

1. Rail Grade Crossing Improvements

The Committee discussed the Rail Grade Crossing Improvement Fund. The Committee heard testimony from Mr. Dennis Faulkenberg, Deputy INDOT Commissioner and Chief Financial Officer. He told the Committee that the INDOT will request \$500,000 for the 1997-99 biennial budget for rail grade crossing improvements.

2. Indiana Port Commission

The Committee heard from Mr. William Fritchley of the Indiana Port Commission about the problems with access to Indiana's International Port at Portage. Mr. Fritchley told the Committee that the INDOT will submit an application to the FHWA and the FRA for \$7.2 million for construction of a grade separation at Wilson Road. The Committee voted 5-0 to pass a resolution in support of the INDOT's application for federal funds to be included with the application.

3. Installing Underpasses and Overpasses at Clark Road

Mr. Steve Hull of the INDOT told the Committee that until an engineering study is complete, the INDOT can't recommend an underpass or overpass at the Clark Road crossing in Gary. He also said that the decision concerning Clark Road crossing lies with Gary because it is within their jurisdiction.

4. Federal Funding for Transportation

Mr. Faulkenberg of the INDOT discussed the Step 21 Coalition's proposal for more flexible federal surface transportation programs. He said that Senator Lugar and Senator Coates and the entire Indiana delegation supports the proposed effort.

5. Short Line Railroads

Ms. Cathy Hale representing short line railroads told the Committee of the special needs of short line railroads. She explained that many short line railroads are maintenance-deferred lines that were scheduled for abandonment by the primary railroads.

6. Rail Crossing Improvements-Other States

Mr. Mike Rogers of Conrail told the Committee that other states commit substantial funds to grade crossing improvements and cited the following as an example:

- A) Illinois \$18 million annually from the motor fuel tax.
- B) Michigan \$3 million annually.
- C) Ohio \$100,000 per month.

He said that in comparison, Indiana appropriated \$500,000 in 1973 and in 1985 to the Rail Grade Crossing Fund. He said that the rail industry is willing to work with the INDOT and the city of Gary to improve the Clark Road crossing.

C. THIRD MEETING (September 16, 1996):

1. Operation Lifesaver

The Committee heard testimony from Mr. Tom Kinser, State Coordinator of Indiana Operation Lifesaver. Mr. Kinser explained that the purpose of Operation Lifesaver is to assist in reducing highway rail grade crossing accidents by educating the public. Mr. Kinser outlined the activities of the organization. He said that the primary funding comes from the railroad industry and donations from private citizens. Mr. Kinser said that the organization receives a \$5,000 grant from the Governor's Council on Impaired and Dangerous Driving and a small grant from the National Operation Lifesaver clearinghouse. Ms. Clare Quinn of the Governor's Council on Impaired and Dangerous Driving supplied the Committee with the Council's railroad funding summary.

Mr. Steve Bernth of the Northwestern Indiana Regional Planning Commission (NIRPC) addressed the Committee on one aspect of the Council's funding which indicated that NIRPC received \$179,800 in fiscal years 1994, 1995, and 1996. When asked why these funds were not spent on Clark Road, Mr. Bernth said that NIRPC's activities involve primarily research.

2. Passive (No gates) Crossings

Mr. Matt Brooks of the INDOT made the following points regarding the number of passive crossings in the state:

- A) There are 3,600 passive crossings in the state. The estimated cost of improving each crossing is \$2,200. He said that 6% of the total crossings, or 227, can be improved with the \$500,000 biennial amount for the Rail Grade Crossing Fund.
- B) Some of the improvements that the Fund can pay for include installing reflectorized tape, brush removal, upgrading the signage, and lighting.
- C) Local units and railroads can apply for money from the Fund to pay for improvements within their jurisdictions.
- D) INDOT will do a critical analysis of the 227 crossings.

3. Proposed Legislation

The Committee discussed PD 3164 which deals with rail grade crossing safety and the establishing of county review teams. Witnesses testified that while they like the idea generally of what PD 3164 would do concerning rail crossing safety, many voiced concerns the county review teams and federal funding. Mr. Cliff DeLaCroix of Norfolk Southern Railroad said that if

the railroads are not on the county review teams, the railroad would not incur any liability. Mr. Nelson Becker of Conrail said that if county review teams review crossings and conduct hearings it will exacerbate an already emotionally charged issue.

D. FOURTH MEETING (October 15, 1996):

The Committee lacked a quorum. The Committee took testimony on the Preliminary Drafts scheduled for the meeting.

1. Proposed Legislation

The Committee discussed PD 3241 which would appropriate \$1 million to the Rail Grade Crossing Fund. INDOT's technical staff told the Committee that they have sufficient manpower to administer a program at the \$500,000 level.

The Committee next discussed PD 3271 which would establish county review teams that would determine which crossings need to be closed. The Indiana Association of Cities and Towns, through a letter submitted by Ms. Tanya Galbraith, said that PD 3271 constitutes an unfunded mandate for cities and towns. Ms. Cathy Hale, Ms. Tanya Galbraith, and Mr. Larry Merritt of the INDOT told the Committee that county review teams would not be qualified to make determinations required by the legislation.

The Committee next discussed PD 3281 which would add a civil fee for violating railroad grade crossing statutes. Ms. Galbraith suggested a portion of the fees should be allocated to the local government for administration of the new civil fee.

1997 Committee Activity

A. FIRST MEETING (October 22, 1997):

The Committee met once during the 1997 interim.

1. Status of the Implementation of the Grade Crossing Improvement Fund at INDOT

Mr. Matt Brooks of the INDOT said that the 1997 Indiana General Assembly appropriated \$500,000 for the 1997-99 biennium to the Fund. Mr. Larry Merritt of the INDOT told the Committee how the funds would be used and listed the following:

- A) reflectorized sheeting that is put on crossbucks or warning signs.
- B) illumination on poles.
- C) pavement markings in the roadway.
- D) signs
- E) removal of site obstructions.

Mr. Cliff Delacroix of Norfolk Southern suggested that if the State could supply the materials, railroads could supply the labor and there would be a cost savings for the particular project. Ms. Patty Smith of the FRA suggested that the State look at the top 100 railroad crossings to get some idea of where to allocate the resources.

Mr. Arthur Fendrick of the FHWA told the Committee that use of the Ohio Crossbuck is under study. Mr. Wendell Meyer, Safety and Traffic Engineer at the FHWA, told the Committee that

until the Ohio Crossbuck is an approved project under the Manual for Uniform Traffic Control Devices,(MUTCD), it is not an eligible project.

2. Information on Railroad Accident Statistics for 1996

Mr. Matt Brooks of the INDOT distributed the latest grade crossing accident statistics. He said that in 1996, Indiana ranked third in the number of train-car accidents.

3. Reorganization of Railroad Responsibilities within INDOT

Mr. Phil Schermerhorn, Deputy Commissioner for Public and Legislative Affairs at the INDOT, said that the INDOT is looking for ways to expedite improving rail crossings. He also told the Committee that there is consideration to make the Intermodal and Design Divisions, both of which currently handle railroad matters, into one division. Mr. Schermerhorn also told the Committee that the INDOT, under current federal legislation, receives about \$5 million per year in federal funding for rail crossing improvements, but that the INDOT spends about \$8 million per year, including state and federal funds.

4. Update on Rail Crossings

Mr. Steve Hull of the INDOT briefed the Committee on the Clark Road crossing in Gary. Mr. Hull said that because the area is so heavily industrialized, a bridge would be very costly and not feasible at this time. Mr. Brooks commented that, unless and until someone comes up with a different plan, crossings such as Clark Road, will continue to have problems.

1998 Committee Activity

A. FIRST MEETING (August 13, 1998):

1. Upgrade of Crossings in Northern Indiana

Mr. Hugh Hopkins of CSX provided a slide presentation and that CSX's plan is to create a fluid rail corridor that extends from Chicago to the East Coast. Mr. Hopkins discussed various improvements made along the corridor, including the installation and repair of track and signals.

2. Transportation Equity Act for the 21st Century (TEA 21)

Mr. Lane Ralph of Senator Lugar and Senator Coats' office submitted information to the Committee on the NTSB report on rail grade crossing accidents and a summary of TEA 21. Mr. Arthur Fendrick of the FHWA told the Committee that while Indiana's federal highway funding will increase by about \$617 million per year under TEA 21, the amount of money dedicated to rail crossing safety remains unchanged, at approximately \$4.9 million per year.

3. Portage Truck Train Accident

Mr. Jerry Hanas, General Manager of the Northern Indiana Commuter Transportation District (NICTD), addressed the Committee on the accident which occurred on June 18, 1998, at the Midwest Steel Company crossing. Mr. Hanas described the circumstances surrounding the accident. He also told the Committee how expanding the bridge at the Port Commission and creating a frontage road would have a positive impact. Mr. Mike Scime of Conrail told the Committee that steel companies have expressed an interest in improving the frontage road if

the bridge is made adequate. Mr. Dave Blackmore of the FRA said that the FRA has asked the INDOT for new signs, lights, and a flagman at the crossing until the crossing can be closed. Mr. Steve Hull of the INDOT reported to the Committee on the status of the Clark Road crossing.

4. Passive Grade Crossing Improvement Project

Mr. Ron Thomas of the INDOT told the Committee that none of the \$500,000 appropriation for the 1997-99 biennium for grade crossing improvement has been spent as yet. He said that applications have been received and that the program is proceeding.

5. Funding for Short Line Railroads

Ms. Cathy Hale, representing short line railroads told the Committee that the Industrial Development Grant Fund limits funding to rail spurs and rail sidings and the Industrial Rail Development Loan Program omits rail as an eligible participant. Ms. Hale said that the Industrial Rail Service Fund is limited to \$1.3 million per year in funding.

6. P. L. 81-1996

Mr. Larry Goode of the INDOT said that the rules for establishing criteria for the opening and closing of rail crossings pursuant to P. L. 81-1996 have been adopted.

SECOND MEETING (September 9, 1998):

1. Update on the Rail Grade Crossing Fund

Mr. Phil Schermerhorn and Mr. Ron Thomas, both of the INDOT, outlined for the Committee the contract processing steps from when a grant is approved to when the funds are authorized to be spent.

2. Local Freight Rail Assistance Program

Mr. Lane Ralph of Senators Lugar and Coats' office described the history of the program and told the Committee that this program provides federal assistance in the form of direct loan guarantees for eligible railroad projects for private railroads.

3. State Sales Tax Distribution Suggested Adjustments

The Committee received testimony from the Mr. Tom Fruechtenicht, representing the Indiana Rail Transportation Group (IRTG) concerning a proposed amendment to IC 6-2.5-10-1 which would adjust the Sales Tax distribution to the Industrial Service Fund (IRSF) thereby aiding short line railroads. He proposed reducing the percentage of the Sales Tax distributed to the Public Mass Transportation Fund (PMTF) from .76% to .68% while raising the dedicated funds for the IRSF from .04% to .12%. This would result in a \$2.7 million reduction to the PMTF to \$22.3 million and increase the IRSF by \$2.7 million to \$3.9 million. Ms. Cathy Hale told the Committee that short line railroads are attempting to receive equal treatment.

4. Proposed Legislation

Ms. Hale addressed the Committee concerning PD 3117. She said that this proposal provides that Class 2 and Class 3 railroads would be eligible entities for purposes of the Industrial

Development Grant Fund and that money from the fund would be spent on rail infrastructure. Mr. Carey Craig of the Indiana Department of Commerce told the Committee that a representative from the Department of Commerce familiar with the program would attend the next meeting to discuss the proposal.

5. Midwest Steel crossing Truck Rail Accident

Ms. Patti Smith of the FRA discussed with the Committee the June 24, 1998, and July 31, 1998, meetings of government agencies, industries, and railroads concerning the short and long term solutions to the Midwest Steel crossing where the accident occurred. Ms. Smith said that the groups will meet again on September 16, 1998.

THIRD MEETING (October 13, 1998):

1. Transportation Equity Act for the 21st Century (TEA 21)

Mr. Dennis Faulkenberg of the INDOT updated the Committee on TEA 21. Mr. Faulkenberg said that under the old ISTEA program, Indiana was a donor state, receiving 78% of the gas tax it collected. Under TEA 21, Indiana receives a 90.5% rate of return, according to Mr. Faulkenberg. There was extensive Committee discussion on TEA 21 and its impact on northwest Indiana. The Committee also discussed the role of the Northwestern Indiana Regional Planning Commission (NIRPC).

2. Proposed Legislation

The Committee discussed Preliminary Draft 3462 and received testimony from interested parties on the proposal. PD 3462 would reduce the PMTF share of the Sales Tax from .76% to .68%. PD 3468 would reduce the PMTF share from .76% to .69% and increase the Industrial Rail Service Fund to .11%. Several witnesses said that any change in the current distribution formula would have an adverse impact on the providers of transportation throughout the state. Mr. Kent McDaniel of the Indiana Transportation Association (ITA) said the proposed reduction to the PMTF would not be minimal to the recipients. Mr. Larry Buckel of the INDOT said that the department distributes the PMTF to recipients on calendar year basis. Mr. Marty Sennett of the Lafayette Public Transit Corporation (LPTC) said that any reduction would impact the LPTC. Ms. Christine Klika, Deputy Commissioner for the INDOT, told the Committee that the INDOT opposes any change in the funding distribution of the PMTF.

3. Rail Grade Crossing Fund

INDOT representatives addressed the Committee on crossing light devices and the Rail Grade Crossing Fund.

4. Trains Blocking Crossings

Mr. Matt Brooks of the Association of Indiana Counties (AIC) said that his organization wants to look at the problem of trains blocking rail crossings.

D FOURTH MEETING (November 16, 1998):

1. Transportation Improvement Plan (TIP) of the Northwestern Indiana Regional Planning Commission (NIRPC)

INDOT representatives discussed the fact that NIRPC had not completed its TIP.

2. Short Line Railroads and Funding

Ms. Cathy Hale said that the short line railroads are requesting approximately \$2 million per year. They currently receive about \$1.2 million per year. Mr. Tom Fruechtenicht said that his group is trying to come up with a line item in the budget for short line railroads.

3. Maintenance Costs of Railroad Crossings

Mr. Larry Goode of the INDOT told the Committee that it would cost about \$9 million for the state to pay for the maintenance on all crossings: those that cross state roads and those that cross local roads. Mr. Goode also said that the state currently pays nothing for maintenance of crossings because by law, the railroads are responsible for maintenance.

4. Rail Grade Crossing Fund

Mr. Ron Thomas of the INDOT told the Committee that all of the money in the Rail Grade Crossing Fund has been obligated. Mr. Thomas said that the money would be spent by the end of the year.

5. Port Commission Bridge

Mr. Phil Schermerhorn of the INODT told the Committee that the INDOT was still planning at making the Port Commission bridge a two lane bridge.

1999 Committee Activity

A. FIRST MEETING (August 6, 1999):

1. Executive Summary Report of the National Transportation Safety Board (NTSB) on the June, 1998 Grade Crossing Accident in Portage

Ms. Patti Smith of the FRA addressed the Committee on the accident and what has taken place since. She also told the Committee of the commitment of the FRA to do what it can to help reduce accidents at railroad crossings.

Mr. Jerry Hanas of the Northern Indiana Commuter Transportation District (NICTD) provided the Committee with a chronology of NICTD actions regarding the accident. Mr. Bjorne Henderson, chief legal counsel of NICTD told the Committee that NICTD disputed several conclusions of the NTSB.

Mr. Steve Cecil of the INDOT told the Committee that the INDOT was disappointed in the findings of the NTSB regarding the accident. He said that the INDOT was disappointed that the NTSB absolved the truck driver of any responsibility.

2. Rail Grade Crossing Update

Mr. Ron Thomas told the Committee that of the \$500,000 appropriation from the 1997-99 biennium to the Rail Grade Crossing Fund, \$428,000 has been obligated. He said that he expects the entire \$500,000 to be spend by the end of the year.

3. High Speed Rail Crossings

Mr. Larry Goode of the INDOT told the Committee that the corridors for high speed rail have been identified-Cincinnati-Indianapolis-Chicago. He said that track alignments have not been identified.

B. SECOND MEETING (October 12, 1999):

1. INDOT Comparison of Rail Grade Crossings

Ms. Kathy Noland of the INDOT told the Committee that she had no specific information on the topic, but would try to answer Committee questions. Mr. Steve Hull of the INDOT told the Committee that the differences between high speed safety devices and regular safety devices can be significant.

2. High Speed Rail

Mr. Larry Goode of the INDOT told the Committee that the corridors on which the INDOT is working for high speed rail are consistent with the national high speed rail plan. Mr. Goode told the Committee that Indiana is part of a nine state High Speed Rail Compact. He said that any federal funding likely would be an 80-20% match, with the federal government contributing 80% and the state contributing 20%.

3. Tour of Port Commission Bridge

The Committee toured the Port Commission Bridge and visited several rail crossings, including the Midwest Steel crossing at which the June 18, 1998 accident occurred. The Committee discussed possible solutions with interested parties such as NICTD, INDOT, FRA, truck drivers, and steel company representatives.

4. Proposed Legislation

The Committee discussed proposed legislation that would extend the life of the Committee for two more years.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made no findings of fact.

The Committee made the following recommendations:

1. The Committee voted five to zero to recommend PD 3106 for introduction to the 2000 Session of the General Assembly. PD 3106 extends the Rail Corridor Safety Committee to November 1, 2005.
2. The Committee voted six to zero to recommend that the Legislative Council send a letter to the Indiana Congressional delegation, requesting their assistance to allow the use of public funds at the Midwest Steel crossings and other private/public crossings determined to be safety hazard.

WITNESS LIST

Charlotte Ashburn, Governor's Council on Impaired and Dangerous Driving
Nelson Becker, Conrail
Steve Bernth, Northwest Indiana Regional Planning Commission
Dave Blackmore, Federal Railroad Administration
Matt Brooks, Indiana Department of Transportation
Matt Brooks, Association of Indiana Counties
Larry Buckel, Indiana Department of Transportation
James Carrico, United Transportation Union
Steve Cecil, Indiana Department of Transportation
Carey Craig, Indiana Department of Commerce
Cliff DeLaCroix, Norfolk Southern Railroad.
Carolyn Elliott, Indiana Railroad Transportation Group
Dennis Faulkenberg, Indiana Department of Transportation
Arthur Fendrick, Federal Highway Administration
Bill Fritchley, Indiana Port Commission
Tom Fruechtenicht, Indiana Railroad Transportation Group
Tanya Galbraith, Indiana Association of Cities and Towns
Larry Goode, Indiana Department of Transportation
Don Graefenhain, 3M Corporation
Cathy Hale, Madison Railroad, Indiana Railroad Transportation Group
Jerry Hanas, Northern Indiana Commuter Transportation District
Douglas Head, Federal Highway Administration
Bjorne Henderson, Northern Indiana Commuter Transportation District
Hugh Hopkins, CSX Transportation
Steve Hull, Indiana Department of Transportation
Tom Kinser, Operation Lifesaver
Cristine Klika, Indiana Department of Transportation
Ken Lanman, Federal Railroad Administration
Lindsay Leckie, CSX Transportation
Dennis Maloy, Indiana Association of Cities and Towns
Larry Merritt, Indiana Department of Transportation
Nick Pasyanos, Association of Indiana Counties
Wendell Meyer, Federal Highway Administration
Patrick Murphy, Association of Indiana Counties
Kathy Noland, Indiana Department of Transportation
John Parsons, Northern Indiana Commuter Transportation District
Clare Quinn, Governor's Council on Impaired and Dangerous Driving
Lane A. Ralph, Assistant to U.S. Senators Lugar and Coats
Mike Rogers, Norfolk and Southern Railroad, Conrail
Phil Schermerhorn, Indiana Department of Transportation
Mike Scime, Conrail
John Secor, Louisville & Indiana Railroad, Indiana Railroad Transportation Group
Larry Shaw, Indiana Department of Transportation
John Sherer, Indiana Railroad
Debra M. Simmons, Indiana Department of Transportation
Patti Smith, Federal Railroad Administration
Gerald Thomas, Hoosier Southern Railroad, Indiana Railroad Transportation Group
Ron Thomas, Indiana Department of Transportation

Bill Verdeyen, Brotherhood of Locomotive Engineers
Robert Walstra, citizen
Steve Watson, CSX Transportation
Richard Whitney, Indiana Department of Transportation